

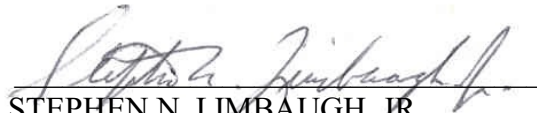
On December 5, 2012, plaintiff filed his amended complaint, which names the City of Poplar Bluff and two city employees as defendants and includes five counts. Plaintiff contends in his response to defendant's motion (#18) that defendant's motion is now moot. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002). Defendant has not replied, and, based on defendant's motion seeking an extension of time in which to answer the complaint (#22), it appears that defendant plans to answer the amended complaint. The Court

agrees that defendant's motion to dismiss, which focuses only on the prospective relief sought by plaintiff, is now moot.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss (#9) is **DENIED** as moot.

Dated this 4th day of March, 2013.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE